

EXHIBIT 24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MANGANIELLO,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants

-----X

February 7, 2008

2:20 p.m.

Deposition of JOHN MCGOVERN to Notice,
at the offices of CORPORATION COUNSEL, 100
Church Street, New York, New York 10007,
before Stephen Kleinman, a Notary Public
within and for the State of New York.

10

1 **McGOVERN**
2 **lieutenant?**
3 A. Internal affairs.
4 **Q. From when to when were you an**
5 **internal affairs lieutenant?**
6 A. From July 10, 2003 to the
7 present.
8 **Q. Prior to July 10, 2003, what**
9 **was your position?**
10 A. Prior to that?
11 **Q. Correct.**
12 A. I was a platoon commander and
13 special projects lieutenant in the 63rd
14 Precinct.
15 **Q. From when to when?**
16 A. From August of '02, to July 10,
17 '03.
18 **Q. And prior to the 63rd, what was**
19 **your assignment? Let me see if I can**
20 **expedite this. At any point were you**
21 **assigned to the 43rd Precinct?**
22 A. Yes.
23 **Q. From when to when?**
24 A. I got there around, sometime
25 around October of 1999.

11

1 **McGOVERN**
2 **Q. Until?**
3 A. And I left there sometime in
4 June of 2001.
5 **Q. Where did you go in June of**
6 **2001?**
7 A. I was reassigned to the 44th
8 detective squad.
9 **Q. Okay. Is there any reason that**
10 **you were reassigned?**
11 MS. FROMMER: Objection. You
12 can answer.
13 A. Just the needs of the
14 Department.
15 **Q. From October of 1999 through**
16 **June of 2001, what was your position at the**
17 **43rd Precinct?**
18 A. I was a squad supervisor there.
19 **Q. And what does a squad**
20 **supervisor do?**
21 A. Basically I would take care of
22 most of the administrative tasks, I would
23 assign cases, sign and assign them, maintain
24 whatever databases needed to be maintained,
25 review roll call and records and things of

12

1 **McGOVERN**
2 that nature.
3 **Q. Okay. You mentioned "assign**
4 **cases."**
5 **What do you mean by "assign**
6 **cases"?**
7 A. Cases come up from, you know,
8 when people make complaints, they have to be
9 assigned to particular detectives. There is
10 a running sheet.
11 **Q. I think you also said that you**
12 **sign cases.**
13 **What do you mean by "sign**
14 **cases"?**
15 A. Sign, I would review for
16 accuracy or completion. If there was any
17 additional steps that needed to be conducted
18 in the investigation, I would instruct
19 detectives to do that.
20 **Q. And by the way, between 1999**
21 **and when you left in 2001, was the 43rd**
22 **Precinct ever renovated?**
23 MS. FROMMER: Objection. You
24 can answer.
25 A. Not while I was there.

13

1 **McGOVERN**
2 **Q. Do you know if it was ever**
3 **renovated after you were there?**
4 A. I have no idea.
5 **Q. Do you know a Police Officer**
6 **Ortiz who was assigned to the 43rd Precinct?**
7 A. No.
8 **Q. Do you know a Police Officer**
9 **Rodriguez who was assigned to the 43rd**
10 **Precinct?**
11 A. No.
12 *R **Q. By the way, did you ever**
13 **receive any command level complaints which**
14 **were sustained against Detective Agostini?**
15 DI MS. FROMMER: Objection. I am
16 going to instruct you not to answer
17 that.
18 Detective Agostini has already
19 been deposed and he has already stated
20 what you are allowed to have, which is
21 there are no substantiated Civilian --
22 MR. JOSEPH: Well, that is what
23 he says. I am asking this individual
24 if out of his position he received any
25 command level complaints which were

26

1 **McGOVERN**
 2 MS. FROMMER: Objection.
 3 A. I don't recall that.
 4 **Q. Do you have any other**
 5 **recollection, as you sit here right now,**
 6 **concerning what information, if any, was**
 7 **provided by any witnesses on February 12,**
 8 **2001?**
 9 MS. FROMMER: Objection. Other
 10 than what he testified to?
 11 MR. JOSEPH: Aside from what he
 12 told us, do you have any recollection?
 13 MS. FROMMER: You can answer.
 14 Objection, for the record.
 15 A. No.
 16 **Q. Okay. You mentioned the term**
 17 **"someone of interest."**
 18 **What does that term mean?**
 19 A. The term?
 20 **Q. Yes.**
 21 A. It would mean someone that
 22 would be a possible witness or a possible
 23 subject in the investigation, someone that
 24 could provide information or further leads
 25 into solving that particular crime.

27

1 **McGOVERN**
 2 **Q. Okay. Did anybody provide you**
 3 **with information that Anthony Manganiello, a**
 4 **person interest, was with two uniformed**
 5 **police officers earlier that morning?**
 6 MS. FROMMER: Objection. You
 7 can answer.
 8 A. No.
 9 **Q. While you were at the scene on**
 10 **February 12, 2001, who told you that Anthony**
 11 **Manganiello was a person of interest?**
 12 MS. FROMMER: Objection. You
 13 can answer.
 14 A. I don't remember.
 15 **Q. While you were there at the**
 16 **scene on February 12, 2001, did you speak**
 17 **with a Detective Agostini?**
 18 A. Did I speak to him?
 19 **Q. Yes.**
 20 A. Do I remember speaking to him?
 21 **Q. Yes.**
 22 A. No.
 23 **Q. Do you have any recollection of**
 24 **talking to a Detective Abate on February 12,**
 25 **2001 at the scene of Mr. Acosta's homicide?**

28

1 **McGOVERN**
 2 A. No.
 3 **Q. What did you do? Approximately**
 4 **what time did you leave the crime scene?**
 5 A. I don't -- I don't know what
 6 time I left.
 7 **Q. Do you have a recollection for**
 8 **how long you were at the crime scene?**
 9 A. I was there for a little while.
 10 **Q. What is "a little while"?**
 11 A. I couldn't put a number on it
 12 right now.
 13 **Q. Okay. Could you put a**
 14 **reasonable approximation on it?**
 15 MS. FROMMER: Objection.
 16 A. No.
 17 **Q. At any point did you direct**
 18 **anybody to bring Anthony Manganiello back to**
 19 **the 43rd Precinct?**
 20 MS. FROMMER: Objection.
 21 A. I don't recall directing
 22 anybody to do that.
 23 **Q. Okay. At any point did you**
 24 **authorize anybody to bring Anthony**
 25 **Manganiello to the 43rd Precinct?**

29

1 **McGOVERN**
 2 MS. FROMMER: Objection. You
 3 can answer
 4 A. Well, if I didn't direct
 5 anyone, how would I authorize them? So that
 6 would be a no.
 7 **Q. Do you know if Mr. Manganiello**
 8 **was brought back to the 43rd Precinct on**
 9 **February 12, 2001?**
 10 A. He was brought back to the
 11 43rd.
 12 **Q. And do you know why he was**
 13 **brought back to the 43rd Precinct?**
 14 A. He was being arrested for the
 15 homicide.
 16 **Q. At what point was he being**
 17 **arrested?**
 18 A. I don't know.
 19 **Q. At the point in time when he**
 20 **was being brought back to the 43rd Precinct**
 21 **from the crime scene, was Anthony Manganiello**
 22 **under arrest?**
 23 MS. FROMMER: Objection.
 24 A. I don't know. I wasn't
 25 involved in that.

30

32

1 McGOVERN
 2 **Q. Can you tell me who was**
 3 **involved in that?**
 4 A. It would have been the case
 5 detective, Agostini.
 6 **Q. Okay. Do you know -- I think**
 7 **you mentioned a few minutes ago that Anthony**
 8 **Manganiello was being arrested for the**
 9 **homicide of Albert Acosta.**
 10 **What did you mean by that?**
 11 MS. FROMMER: Objection. You
 12 can answer.
 13 A. I mean he was arrested that
 14 particular night, whatever it was. February
 15 1?
 16 **Q. February 12, 2001?**
 17 A. February 12th. He was arrested
 18 that night and he was subsequently released.
 19 **Q. Okay. Did you discuss with the**
 20 **case -- did you have any discussion with the**
 21 **case detective prior to Mr. Manganiello's**
 22 **arrest about Mr. Manganiello being arrested?**
 23 MS. FROMMER: Objection. You
 24 can answer.
 25 A. I don't remember a discussion.

31

1 McGOVERN
 2 All I remember is, when I got back to the
 3 squad, he had already been in a cell and, you
 4 know, they were processing an arrest and
 5 speaking to the DA's office. At some point
 6 the DA's office felt that there wasn't enough
 7 to proceed with a case against him and he was
 8 subsequently released. That is really all I
 9 remember.
 10 **Q. Okay. Let's back up. I want**
 11 **to take it step by step.**
 12 **From the crime scene of the**
 13 **homicide of Albert Acosta, did he go directly**
 14 **to the 43rd Precinct?**
 15 A. I don't remember.
 16 **Q. Did you take any calls between**
 17 **leaving the crime scene of the Albert Acosta**
 18 **homicide and returning to the 43rd Precinct?**
 19 MS. FROMMER: Objection. You
 20 can answer.
 21 A. I don't remember.
 22 **Q. Okay. How long after Anthony**
 23 **Manganiello left the crime scene did you**
 24 **leave the crime scene, about?**
 25 MS. FROMMER: Objection. You

1 McGOVERN
 2 can answer.
 3 A. You must be under the
 4 misimpression that I said that I saw him
 5 leave the crime scene. I never said that.
 6 **Q. I didn't say you saw him. I**
 7 **said do you have --**
 8 A. But that is what you are
 9 inferring. What I told you before is what I
 10 remember. I was at the crime scene. They
 11 conduct an investigation there. Crime scene
 12 did what they had to do. There was
 13 interviews and canvases conducted.
 14 I went back to the squad. I
 15 recall him being in the cells. We felt there
 16 was enough probable cause at that point,
 17 based on interviews that were conducted, to
 18 make an arrest. The DA's office declined to
 19 prosecute, said there wasn't enough at this
 20 point and he was subsequently released.
 21 I don't remember anything else.
 22 That is really -- I don't remember speaking
 23 to anyone. I don't remember pretty much
 24 anything else about it. So...
 25 **Q. Sir, was Mr. Manganiello in a**

33

1 McGOVERN
 2 **cell at the point in time that you arrived**
 3 **back at the 43rd Precinct?**
 4 A. I recall him being in a cell
 5 when I got there.
 6 **Q. Okay. What I am trying to**
 7 **figure out, sir, is how much time generally**
 8 **passed between the time you left the crime**
 9 **scene and when you returned to the 43rd**
 10 **Precinct?**
 11 MS. FROMMER: Objection. You
 12 can answer again.
 13 A. I really don't know.
 14 **Q. Do you have any records which**
 15 **would indicate when you returned to the 43rd**
 16 **Precinct?**
 17 A. No.
 18 **Q. Did you note down the time in**
 19 **your memo book when you left the crime scene?**
 20 A. No.
 21 **Q. Did you note down the time in**
 22 **your memo book when you arrived back at the**
 23 **43rd Precinct?**
 24 A. No.
 25 **Q. Who made the decision that**

34

1 **McGOVERN**
 2 **there was probable cause to arrest Anthony**
 3 **Manganiello on February 12, 2001?**
 4 MS. FROMMER: Objection. You
 5 can answer.
 6 **Q. If you know?**
 7 A. Do I know, it was a squad
 8 commander there. So...
 9 **Q. Okay. Can you tell me the**
 10 **squad commander's name who made the decision**
 11 **to arrest Mr. Manganiello?**
 12 MS. FROMMER: Objection. You
 13 can answer.
 14 A. You know what, I don't know.
 15 **Q. Was it Lieutenant Scott?**
 16 A. Lieutenant Scott was the squad
 17 commander.
 18 **Q. Was lieutenant Scott the squad**
 19 **commander on February 12, 2001?**
 20 A. Yes.
 21 **Q. Was it Lieutenant Scott's**
 22 **decision whether or not there was probable**
 23 **cause to arrest Anthony Manganiello on**
 24 **February 12, 2001?**
 25 MS. FROMMER: Objection.

35

1 **McGOVERN**
 2 Answer if you know.
 3 A. No, I don't know.
 4 **Q. Was there a custom and practice**
 5 **or procedure by which a squad commander would**
 6 **make the decision as to whether or not there**
 7 **was probable cause to arrest somebody in**
 8 **February of 2001?**
 9 MS. FROMMER: Objection. You
 10 can answer.
 11 A. Well, ultimately the squad
 12 commander is in charge of the detective
 13 squad. So any decisions would go through
 14 him.
 15 **Q. Okay. Does that mean that**
 16 **Lieutenant Scott necessarily had to have been**
 17 **involved in the decision to arrest Anthony**
 18 **Manganiello?**
 19 MS. FROMMER: Objection. You
 20 can answer.
 21 A. You would have to ask
 22 Lieutenant Scott that.
 23 **Q. Well, I am asking you based on**
 24 **your knowledge of police procedure.**
 25 DI MS. FROMMER: Well, I am going

36

1 **McGOVERN**
 2 to instruct him not to answer what
 3 someone else had on their mind or what
 4 someone else did
 5 **MR. JOSEPH:** That is not what I
 6 asked him. I asked him, based on your
 7 understanding of police procedure, was
 8 the procedure such that Lieutenant
 9 Scott would have had to have
 10 authorized the arrest of Anthony
 11 Manganiello?
 12 MS. FROMMER: Objection. You
 13 can answer.
 14 A. I don't think I can answer that
 15 question.
 16 **Q. Okay.**
 17 A. I am not refusing to answer it.
 18 I don't think I can give you an answer.
 19 **Q. Okay. Well, let me ask you**
 20 **this way.**
 21 **Based on the police procedure**
 22 **as it existed in February of 2001, was it**
 23 **possible for an arrest in a homicide to have**
 24 **been made on February 12, 2001 without**
 25 **Lieutenant Scott's approval?**

37

1 **McGOVERN**
 2 MS. FROMMER: Objection. You
 3 can answer.
 4 **Q. Or authorization?**
 5 MS. FROMMER: Objection. You
 6 can answer.
 7 A. Without Lieutenant Scott's
 8 approval?
 9 **Q. Yes.**
 10 A. Yes.
 11 **Q. Okay. And how would an arrest**
 12 **for a homicide have been made without his**
 13 **approval?**
 14 A. Well, there would be other
 15 covering supervisors. You know, we weren't
 16 always working. There was other supervisors
 17 working within the detective bureau. It
 18 could be any various reasons why someone
 19 would authorize the arrest.
 20 It could come from the borough.
 21 The captain could be there. It could be the
 22 duty inspector. It could be any -- any
 23 number of calls could be made on that. There
 24 is no one right answer for that.
 25 **Q. What evidence, if any, provided**

10 (Pages 34 to 37)

38

40

1 **McGOVERN**
 2 **probable cause to believe that Anthony**
 3 **Manganiello was responsible for the homicide**
 4 **of Albert Acosta on February 12, 2001?**
 5 **MS. FROMMER:** Objection. You
 6 can answer.
 7 **A.** I think I have explained that
 8 to you.
 9 **Q.** I am asking you specifically
 10 **what information provided probable cause?**
 11 **MS. FROMMER:** Object to the
 12 extent that he has already discussed
 13 the extent and full breath of his
 14 knowledge. If you would like to ask
 15 him that same question over and over
 16 again, after three more times, I am
 17 going to instruct him not to answer,
 18 as it is harassing.
 19 You can answer again,
 20 Lieutenant.
 21 **A.** It is basically I kind of went
 22 through it already. That's all I recall.
 23 You know, there was a witness
 24 developed that heard some shots. I believe
 25 they said that there was a Parkchester

39

1 **McGOVERN**
 2 security guard that walked out of the
 3 location, and then I came back to the station
 4 house and I remember him being in a cell.
 5 **Q.** Okay. Did you review any of
 6 the witness statements by this individual who
 7 claims to have heard the shots?
 8 **MS. FROMMER:** At what point in
 9 time?
 10 **MR. JOSEPH:** On February 12,
 11 2001.
 12 **MS. FROMMER:** You can answer.
 13 **A.** I don't recall.
 14 **Q.** Okay. As part of your practice
 15 and procedure, would you have reviewed any
 16 DD5s concerning what a witness would have
 17 said on February 12, 2001 prior to an arrest
 18 being made?
 19 **MS. FROMMER:** Objection. The
 20 question is ambiguous to me.
 21 Are you asking whether he would
 22 have reviewed it on February 12th or
 23 whether the witness gave the statement
 24 of February 12th, and then he would
 25 have reviewed it? Because your

1 **McGOVERN**
 2 question is vague.
 3 **DI** I am going to instruct him not
 4 to answer the question, because I
 5 don't understand it.
 6 **Q.** Well, sir, I believe you told
 7 us that your understanding was that a witness
 8 had given a statement that he saw a
 9 Parkchester security guard around a point in
 10 time when there was shots being fired, right?
 11 **A.** Yes.
 12 **Q.** My question is, how did you
 13 learn of that?
 14 **A.** Well, at the time I had shared
 15 an office with the squad commander.
 16 **Q.** Was that Lieutenant Scott at
 17 the time?
 18 **A.** Correct.
 19 **Q.** Okay.
 20 **A.** So whatever formation was
 21 filtering in, you know, I was probably there.
 22 So...
 23 **Q.** Did you review any of the DD5s
 24 concerning the investigation at the crime
 25 scene on February 12, 2001?

41

1 **McGOVERN**
 2 **MS. FROMMER:** Again, your
 3 question is vague.
 4 Did he review DD5s at the crime
 5 scene?
 6 **MR. JOSEPH:** No.
 7 **Q.** On February 12, 2001, did you
 8 review any DD5s that were created based upon
 9 information learned at the crime scene?
 10 **MS. FROMMER:** You can answer
 11 that.
 12 **A.** No.
 13 **Q.** At any point in time, did you
 14 do anything to stop the arrest of Anthony
 15 Manganiello?
 16 **MS. FROMMER:** Objection.
 17 **A.** No.
 18 **Q.** On February 12, 2001, did you
 19 do any review of evidence to determine
 20 whether there was probable cause to arrest
 21 Anthony Manganiello?
 22 **MS. FROMMER:** Objection.
 23 **A.** I don't recall.
 24 **Q.** Okay. Did you create any notes
 25 to any detectives on February 12, 2001

11 (Pages 38 to 41)

42

1 **McGOVERN**
 2 **concerning the arrest of Anthony Manganiello?**
 3 A. I don't think I did, no.
 4 **Q. At any point on February 12,**
 5 **2001, did you learn that Mr. Manganiello had**
 6 **requested an attorney?**
 7 MS. FROMMER: Objection.
 8 **Q. Anthony Manganiello?**
 9 MS. FROMMER: I am going to
 10 note my objection on the record, that
 11 you have mischaracterized the evidence
 12 as set forth in your own client's
 13 deposition.
 14 You can answer the question.
 15 A. I don't remember.
 16 **Q. At any point did you have any**
 17 **conversations with Lieutenant Scott**
 18 **concerning Anthony Manganiello retaining a**
 19 **lawyer?**
 20 MS. FROMMER: Objection. You
 21 can answer.
 22 A. I don't remember.
 23 **Q. On February 12, 2001, did you**
 24 **see Mario Manganiello in the police station?**
 25 MS. FROMMER: Objection. You

43

1 **McGOVERN**
 2 can answer.
 3 A. When?
 4 **Q. On February 12, 2001, do you**
 5 **have any knowledge at to whether Anthony**
 6 **Manganiello's brother, Mario Manganiello,**
 7 **came to the police station?**
 8 A. Yes, I do recall his brother
 9 coming in.
 10 **Q. Okay. At the point in time**
 11 **when his brother came there, was Mr. Anthony**
 12 **Manganiello already in the cell?**
 13 A. Yes.
 14 **Q. Okay. At the point in time**
 15 **when Mario Manganiello arrived at the 43rd**
 16 **Precinct, was Anthony Manganiello already**
 17 **under arrest?**
 18 A. I believe so, yes.
 19 **Q. Do you know whose decision it**
 20 **was to place Anthony Manganiello under arrest**
 21 **on February 12, 2001?**
 22 MS. FROMMER: Same objection.
 23 You have answered the question four
 24 times. You can answer it again,
 25 Lieutenant.

44

1 **McGOVERN**
 2 A. I don't know.
 3 **Q. And on February 12, 2001, did**
 4 **you speak to Mario Manganiello?**
 5 A. I don't recall.
 6 **Q. Okay. At any point on February**
 7 **12, 2001, did you become aware of Mario**
 8 **Manganiello being stopped while driving a**
 9 **vehicle after he left the 43rd Precinct?**
 10 MS. FROMMER: Objection.
 11 Again, misstating the facts as set
 12 forth.
 13 You can answer, if you know.
 14 A. Which one is Mario?
 15 **Q. Let me rephrase it. What did**
 16 **you see when Mario Manganiello, Anthony**
 17 **Manganiello's brother, appeared at the 43rd**
 18 **Precinct?**
 19 A. I just remember him coming in
 20 with -- I believe he was with his father.
 21 **Q. Okay. What do you recall**
 22 **happening after he came in?**
 23 A. I think he requested, he wanted
 24 to see his brother. I think he briefly saw
 25 him, and then we asked him to leave.

45

1 **McGOVERN**
 2 **Q. And why did you ask him to**
 3 **leave?**
 4 A. I didn't think it was really
 5 appropriate for him to be there at that point
 6 after he saw him.
 7 **Q. Why did you not think it was**
 8 **appropriate?**
 9 MS. FROMMER: Objection. You
 10 can answer.
 11 A. It wasn't really -- it is not
 12 really common practice to have people in the
 13 squad room at the cell area. The family
 14 hanging around, it is just not conducive, you
 15 know, safety reasons.
 16 **Q. Okay. Did Mr. Mario**
 17 **Manganiello leave after he was asked to**
 18 **leave?**
 19 A. Yes.
 20 **Q. After Mr. Manganiello, Mario**
 21 **Manganiello left, did you see him again on**
 22 **February 12, 2001?**
 23 A. I don't remember seeing him
 24 again.
 25 **Q. Okay. Do you have any**

12 (Pages 42 to 45)

46

48

1 **McGOVERN**
 2 knowledge of whether Mario Manganiello was
 3 bought back to the 43rd Precinct after he
 4 initially left?
 5 A. After he left?
 6 Q. Correct.
 7 A. I don't remember.
 8 Q. Okay. At any point did you
 9 hear Lieutenant Scott give an order to bring
 10 Mario Manganiello back?
 11 MS. FROMMER: Objection.
 12 A. I don't know.
 13 Q. Did Detective Agostini or
 14 Detective Abate ever discuss with you
 15 anything about bringing Mario Manganiello
 16 back to the 43rd Precinct after he had left?
 17 MS. FROMMER: Objection.
 18 A. I don't remember any
 19 conversation.
 20 Q. Sir, after February 12, 2001,
 21 what involvement, if any, did you have in the
 22 prosecution or arrest of Anthony Manganiello?
 23 MS. FROMMER: Objection. You
 24 can answer.
 25 A. I think it was sometime in

47

1 **McGOVERN**
 2 April I was informed that the DA's office,
 3 after reviewing the case with Detective
 4 Agostini, had determined that there was
 5 enough probable cause to make an arrest and
 6 there was two locations to go to where he had
 7 resided. I went to the location in
 8 Yonkers -- in Mount Vernon with Detective
 9 Abate to see if we could make an arrest.
 10 Q. Between February 13, 2001 and
 11 this time in April, when you had gone to the
 12 DA, after this meeting with Detective
 13 Agostini, that the DA felt there was probable
 14 cause, did you review any new information
 15 that had come in concerning this case?
 16 MS. FROMMER: Objection. You
 17 can answer.
 18 A. Certainly it is possible that I
 19 reviewed it, but I don't have any
 20 recollection of reviewing it. The only thing
 21 I really remember is going out there with
 22 Detective Abate to that one location where we
 23 eventually made an arrest.
 24 Q. Are you aware, on February 20,
 25 2001, that Luis Agostini signed a felony

1 **McGOVERN**
 2 complaint accusing plaintiff of murder in the
 3 second degree, among other things?
 4 MS. FROMMER: Objection.
 5 A. Was I aware of him signing a
 6 complaint on that particular day?
 7 Q. Were you aware that Detective
 8 Agostini has signed a felony complaint in
 9 April of 2001 against Anthony Manganiello?
 10 A. Well...
 11 MS. FROMMER: Answer if you
 12 can, if you know.
 13 A. I am assuming he signed a
 14 complaint. Mr. Manganiello was placed under
 15 arrest and brought back to the 43rd Precinct
 16 for processing. That would be Detective
 17 Abate's job to go present that to the
 18 district attorney and sign a complaint.
 19 Q. Detective Abate or Detective
 20 Agostini?
 21 A. I mean Detective Agostini.
 22 Q. Did you speak with Detective
 23 Agostini about what new information, if any,
 24 had come in between February 12, 2001 and
 25 this time in April when Mr. Manganiello was

49

1 **McGOVERN**
 2 arrested?
 3 A. I don't recall.
 4 Q. Okay. Can you tell me what
 5 information, if any, provided probable cause
 6 for Anthony Manganiello's arrest on April 20,
 7 2001 for the homicide of Albert Acosta?
 8 MS. FROMMER: Objection. You
 9 can answer.
 10 A. I don't recall.
 11 Q. Sir, did you take any steps to
 12 verify whether there was information that
 13 created probable cause to arrest Anthony
 14 Manganiello prior to him being arrested in
 15 April of 2001?
 16 MS. FROMMER: Objection.
 17 A. The case was presented to the
 18 district attorney. The district attorney
 19 called and said there was probable cause to
 20 make the arrest. We went out and made the
 21 arrest.
 22 Q. Do you know what information or
 23 evidence provided probable cause for the
 24 arrest of Anthony Manganiello?
 25 MS. FROMMER: Objection. You

13 (Pages 46 to 49)

50

1 McGOVERN
2 can answer again.
3 A. I don't recall.
4 **Q. Sir, I will show you what has**
5 **been previously marked as Exhibit 22 dated**
6 **12/20/07. I am going to ask you to take a**
7 **look at this document and tell me if you have**
8 **ever seen that document before.**
9 A. I don't recall seeing that
10 document.
11 **Q. Okay. Do you see part of a**
12 **signature on the bottom of it?**
13 A. I do.
14 **Q. Do you recognize whose**
15 **signature that is?**
16 A. It looks like Harry Scott's
17 signature.
18 **Q. Okay. Did Harry Scott ever**
19 **discuss with you the contents of what is**
20 **marked as Exhibit 22?**
21 A. I don't recall.
22 **Q. Okay. Sir, in February through**
23 **April of 2001, did you review all the DD5s**
24 **that were created by the detectives working**
25 **homicide cases?**

51

1 McGOVERN
2 MS. FROMMER: Objection.
3 A. I think I told you earlier that
4 I reviewed hundreds of DD5s while I was
5 there. There was over 5,000 cases a year
6 coming into that particular squad. For me to
7 sit here and tell you what I reviewed, you
8 know, it is not fair. It wouldn't be a fair
9 statement of mine.
10 **Q. Okay.**
11 A. The only fair statement I could
12 make is that I did review hundreds of cases
13 while I was there. I talked about hundreds
14 of incidences and I handled probably over a
15 hundred homicides while I was assigned to the
16 Detective Bureau Bronx, not only this one.
17 Being this is seven years ago, you know, what
18 I am telling you is what I remember.
19 **Q. Sir, based on your experience,**
20 **is it proper police procedure not to arrest**
21 **somebody after they admit to agreeing to**
22 **murder somebody for hire?**
23 MS. FROMMER: Objection.
24 A. If they what?
25 **Q. If they have admitted to**

52

1 McGOVERN
2 **agreeing to murder somebody for money.**
3 MS. FROMMER: Objection. You
4 can answer.
5 A. What do you want to know?
6 MR. JOSEPH: Can you read back
7 the question, please?
8 (Record read.)
9 A. And you want me to answer what?
10 **Q. Whether it is proper police**
11 **procedure based your experience or not.**
12 MS. FROMMER: Objection.
13 A. I don't know if I can make an
14 honest answer on that one.
15 **Q. Why not?**
16 A. Without more facts.
17 **Q. Okay. If you would see what is**
18 **Exhibit 22, would it be proper not to arrest**
19 **Terrance Alston?**
20 MS. FROMMER: Objection.
21 A. Would it be proper not to
22 arrest Terrance Alston?
23 **Q. Right.**
24 A. I don't know.
25 **Q. Sir, if you had seen what is in**

53

1 McGOVERN
2 **Exhibit 22, would you have given this back to**
3 **Detective Agostini with any notes?**
4 MS. FROMMER: Objection.
5 A. I really don't know.
6 **Q. Sir, as a shift supervisor,**
7 **that is what your title is, right?**
8 MS. FROMMER: Objection.
9 MR. JOSEPH: I am not being
10 factitious.
11 **Q. Excuse me, squad supervisor. I**
12 **apologize.**
13 **Sir, as a squad supervisor in**
14 **2001, had you seen Exhibit 22, based on your**
15 **experience what would be the proper course of**
16 **police conduct?**
17 MS. FROMMER: Objection.
18 A. The proper procedure would be
19 to confer with the district attorney that
20 would be handling this and follow up with
21 them.
22 **Q. Okay.**
23 A. I believe in this case that was
24 what was done. The information provided to
25 them. The detective developed several other

54

56

1 McGOVERN
 2 leads in investigative steps presented to
 3 them and they felt there was enough probable
 4 cause to make an arrest.
 5 **Q. My question is, can you tell**
 6 **me, was Terrance Alston ever investigated for**
 7 **the homicide of Albert Acosta?**
 8 MS. FROMMER: Objection. You
 9 can answer.
 10 A. I don't know.
 11 **Q. Okay. What if anything would**
 12 **be the proper police based on a statement**
 13 **where someone is admitting to conspiring to**
 14 **commit murder for money?**
 15 MS. FROMMER: Objection.
 16 A. Again, sir, that would be a
 17 conferral with the district attorney's
 18 office. Normally in these kind of
 19 high-profile cases or in the majority of the
 20 cases I deal with now, a district attorney is
 21 consulted with.
 22 **Q. Okay. Do you know if the**
 23 **district attorney was ever advised that Mr.**
 24 **Alston had provided false information?**
 25 MS. FROMMER: Objection.

55

1 McGOVERN
 2 A. Again, I don't know.
 3 **Q. Sir, were you ever made aware**
 4 **that Mr. Alston had provided Detective**
 5 **Agostini with information that turned out to**
 6 **be false?**
 7 A. Was I ever provided with that?
 8 **Q. Right. Did Detective Agostini**
 9 **ever come to you --**
 10 A. No.
 11 **Q. -- and say this guy lied to me?**
 12 MS. FROMMER: Objection.
 13 A. No.
 14 **Q. What if anything would you have**
 15 **done had Detective Agostini told you that Mr.**
 16 **Alston had lied to him about a gentleman**
 17 **selling a gun to Mr. Manganiello?**
 18 MS. FROMMER: Objection.
 19 MR. JOSEPH: I am going to
 20 withdraw the question and re-ask it.
 21 **Q. Sir, what if anything would you**
 22 **have done had Detective Agostini told you**
 23 **that Mr. Alston had provided him with false**
 24 **information?**
 25 MS. FROMMER: Objection.

1 McGOVERN
 2 A. I would have instructed him to
 3 contact the district attorney handling this
 4 particular case and instructed him to make a
 5 follow-up see how they wanted to proceed.
 6 **Q. Okay. Do you know if Detective**
 7 **Agostini ever told the district attorney that**
 8 **Mr. Alston had provided false information to**
 9 **them?**
 10 MS. FROMMER: Objection.
 11 A. I don't know, because I think I
 12 left the squad about two months after that
 13 arrest. So my involvement after that was nil
 14 or zero.
 15 **Q. I am going to show you what has**
 16 **been marked as Exhibit 22 and I am going to**
 17 **ask you to also take a look at Plaintiff's**
 18 **Exhibit 10.**
 19 **Did you ever see this document**
 20 **before?**
 21 A. I don't recall seeing that
 22 document.
 23 **Q. By looking at this document, is**
 24 **there any way you can tell which supervisor,**
 25 **if any, reviewed this document?**

57

1 McGOVERN
 2 MS. FROMMER: Objection. You
 3 can answer.
 4 A. No.
 5 **Q. Sir, does Exhibit 10, does it**
 6 **is appear -- by looking at Exhibit 10 and**
 7 **Exhibit 22, does it appear that Mr. Alston**
 8 **had provided Detective Agostini with false**
 9 **information?**
 10 MS. FROMMER: Objection.
 11 A. I don't know.
 12 **Q. Okay. Are there any police**
 13 **guidelines concerning using witnesses who**
 14 **provide false information in the**
 15 **investigation of a homicide?**
 16 MS. FROMMER: Objection.
 17 A. Is there any guidelines?
 18 **Q. Correct.**
 19 A. I know of no guidelines.
 20 **Q. Okay. As a squad supervisor,**
 21 **was it ever proper police procedure to pay a**
 22 **witness?**
 23 MS. FROMMER: Objection.
 24 A. Is it proper police procedure
 25 to pay a witness?

15 (Pages 54 to 57)

62

64

1 **McGOVERN**
 2 A. No.
 3 **Q. Okay. Were you present when**
 4 **Detective Agostini spoke with an assistant**
 5 **district attorney?**
 6 MS. FROMMER: Objection.
 7 A. I don't recall.
 8 **Q. By the way, did you ever speak**
 9 **with Detective Agostini concerning any**
 10 **information that a Mr. Booth had provided?**
 11 MS. FROMMER: Objection.
 12 A. I don't recall.
 13 **Q. Okay. Were you ever made aware**
 14 **that Detective Agostini found a knife and**
 15 **illegal gambling slips on Mr. Booth?**
 16 MS. FROMMER: Objection.
 17 A. I don't recall.
 18 **Q. Is it proper police procedure**
 19 **to let someone walk out of a police**
 20 **department with a knife?**
 21 MS. FROMMER: Objection.
 22 **Q. Based on your experience?**
 23 A. It depends on what kind of
 24 knife.
 25 **Q. Is it also proper police**

63

1 **McGOVERN**
 2 **procedure to not charge somebody after**
 3 **finding gambling paraphernalia on them in**
 4 **exchange for a statement?**
 5 MS. FROMMER: Objection.
 6 A. I don't know.
 7 **Q. Okay. Do you know if Detective**
 8 **Agostini found gambling material on a**
 9 **gentleman named Mr. Booth and then did not**
 10 **charge him or pass that information on to any**
 11 **other departments?**
 12 MS. FROMMER: Objection.
 13 A. I am not aware of that.
 14 **Q. Had you become aware of that,**
 15 **what would you have done?**
 16 MS. FROMMER: Objection.
 17 **Q. As a squad supervisor, had you**
 18 **been made aware that one of your detectives**
 19 **found gambling material on an individual,**
 20 **took a statement from that individual on a**
 21 **homicide and then let him walk out the door**
 22 **without charging him, --**
 23 MS. FROMMER: Objection.
 24 **Q. -- what would you have done?**
 25 MS. FROMMER: Objection.

1 **McGOVERN**
 2 A. What would I have done?
 3 **Q. Correct.**
 4 A. Certainly in a homicide
 5 investigation there is a lot of people
 6 involved, the district attorney. Certainly I
 7 don't know all the facts that you are
 8 presenting at this point. Certainly again,
 9 that is conferral with the district attorney,
 10 a possible witness and see what they wanted
 11 to do with the whole thing.
 12 **Q. Okay.**
 13 A. You know, as you know yourself,
 14 sometimes the district attorney doesn't want
 15 to prosecute some of these minor violations
 16 or summonsable offenses, which a knife could
 17 be raised to the level of not an arrest.
 18 Gambling receipts, I don't really know what
 19 you are talking about, how many. There is
 20 certain limits on the amount.
 21 So it would be unfair of me to
 22 make a determination without having all the
 23 facts in front of me and knowing a little
 24 more.
 25 Again, homicide investigation,

65

1 **McGOVERN**
 2 district attorney, you are talking about a
 3 knife. Certainly some people can be issued
 4 criminal court summonses for knives,
 5 depending on the size.
 6 For you to sit here and tell
 7 me, yeah, is everyone going to be charged
 8 with a knife, it is a big maybe. As far as
 9 your question with the gambling receipts,
 10 well, certainly gambling receipts to any
 11 extent, if you are talking about one gambling
 12 receipt, I don't believe anyone in their
 13 right mind is going to charge anyone with
 14 that. If you are talking about 1,000
 15 gambling receipts, well, then that is
 16 probably a different story. But considering
 17 you are giving me a blanket statement, I
 18 really can't answer your question.
 19 **Q. How about a known bookie with**
 20 **gambling slips stating a number of different**
 21 **people with a number of different amounts**
 22 **owed?**
 23 MS. FROMMER: Objection.
 24 Assuming facts not in evidence.
 25 You can answer, if you can.

17 (Pages 62 to 65)

66

1 McGOVERN
 2 THE WITNESS: I don't know if I
 3 really can answer that question.
 4 **Q. By the way, for the time that**
 5 **you were at the 43rd Precinct, was there a**
 6 **procedure for maintaining homicide case**
 7 **files?**
 8 MS. FROMMER: Objection. You
 9 can answer.
 10 A. There was a designated file
 11 cabinet for homicide files. Unless the
 12 detective was working on them, then they
 13 would maintain the file at their desk area or
 14 whatever.
 15 **Q. Okay. Would it be unusual for**
 16 **a homicide file not to be kept in the**
 17 **designated case file?**
 18 MS. FROMMER: Objection. You
 19 can answer.
 20 A. I can only tell you what I know
 21 while I was there. The files were maintained
 22 in file cabinets. The homicide files were
 23 maintained separately. Unless the detectives
 24 were working on them, you know, they would
 25 maintain them there. It is a detective's

67

1 McGOVERN
 2 responsibility to maintain the files.
 3 **Q. You said "the homicide files**
 4 **were maintained separately."**
 5 **What do you mean by that?**
 6 MS. FROMMER: Objection.
 7 A. Basically they wouldn't get
 8 filed with all the other stuff that would
 9 come in, the petit larcenies, the robberies.
 10 Well, the robbery squad was across the way,
 11 but grand larcenies, burglaries, they would
 12 get filed by index number and 61. Except in
 13 '02 that policy changed. They would be filed
 14 by case number.
 15 **Q. And how would a homicide case**
 16 **be filed in 2001?**
 17 MS. FROMMER: He just answered
 18 that.
 19 MR. JOSEPH: No. He said they
 20 were done separately.
 21 A. No, I didn't say that.
 22 MS. FROMMER: He just explained
 23 it. I am going to ask the court
 24 reporter to read that back to you,
 25 because he just answered that. You

68

1 McGOVERN
 2 have asked him the same question over
 3 and over.
 4 **Q. Where exactly were homicide**
 5 **files placed in 2001?**
 6 MS. FROMMER: If you would like
 7 to refer to your earlier answer, you
 8 may, because you have already answered
 9 this question.
 10 A. The homicide file cabinet,
 11 there is other files. They are maintained
 12 separately.
 13 **Q. How are they itemized, in other**
 14 **words?**
 15 MS. FROMMER: Objection.
 16 A. Homicides?
 17 **Q. Correct.**
 18 A. Would be by year.
 19 **Q. Okay. Would homicides remain**
 20 **in that homicide file cabinet even after they**
 21 **were closed by an arrest?**
 22 MS. FROMMER: Objection. You
 23 can answer.
 24 A. The files would be maintained
 25 at the command, correct.

69

1 McGOVERN
 2 **Q. Would that be after they were**
 3 **closed by arrest? In other words, what I am**
 4 **asking, is there any different procedure for**
 5 **a case that is active versus a case that was**
 6 **closed by arrest?**
 7 MS. FROMMER: Objection
 8 A. Is there anything different,
 9 well, the case would be closed.
 10 **Q. Right.**
 11 A. So it would be different.
 12 **Q. Let me ask you this. Just so**
 13 **we are clear, what is your understanding of**
 14 **closed? When you say "closed," is it because**
 15 **an arrest has been made, closed because of a**
 16 **conviction or an acquittal or something else?**
 17 MS. FROMMER: Objection. You
 18 can answer.
 19 A. No. A case can be closed on
 20 arrest. That would be one closing. It could
 21 be closed exception of clearance positive.
 22 That would be there is enough information to
 23 close it with a positive clearance without an
 24 arrest. It can be C4'd, leads exhausted; C3,
 25 uncooperative complainant; C2 unable to ID.

18 (Pages 66 to 69)

70

72

1 McGOVERN
 2 There is several different closings. B7,
 3 inaccurate facts, you know, there wasn't
 4 enough to investigate it.
 5 **Q. For a case that was closed by**
 6 **an arrest, would that case be maintained, in**
 7 **2001, in the same homicide folder that you**
 8 **described earlier?**
 9 MS. FROMMER: Objection.
 10 **Q. Or would it be placed someplace**
 11 **else, is my question?**
 12 A. No.
 13 MS. FROMMER: Objection. You
 14 can answer.
 15 A. Homicides all stay together.
 16 **Q. Okay. By the way, was there a**
 17 **procedure by which an entire homicide file**
 18 **was given to a district attorney --**
 19 MS. FROMMER: Objection.
 20 **Q. -- in 2001?**
 21 MS. FROMMER: Objection.
 22 A. Are you asking me if I am aware
 23 of that?
 24 **Q. I am asking you, as the squad**
 25 **supervisor, did --**

71

1 McGOVERN
 2 A. No. I told you, I left two
 3 months after that arrest. So I didn't have
 4 any involvement after that. I'm not sure
 5 when the DA presented that case afterwards.
 6 It could take several months to go see the
 7 district attorney. Obviously there are
 8 several hearings that would take place. In
 9 my past experience, normally I don't know
 10 what the arrangements were made. You would
 11 have to ask Detective Agostini that.
 12 **Q. Okay. My question to you is,**
 13 **as a squad supervisor, what is your**
 14 **understanding of the procedure by how the**
 15 **portion or the entire homicide case file was**
 16 **transferred or given to them? Were copies**
 17 **made at the squad and then copies of those**
 18 **documents given to the DA, was the DA given**
 19 **the entire case file or something else?**
 20 MS. FROMMER: Objection.
 21 A. Again, I don't know. You would
 22 have to ask Detective Agostini.
 23 **Q. Okay. By the way, did you ever**
 24 **speak to Detective Agostini about the Anthony**
 25 **Manganiello case file going missing?**

1 McGOVERN
 2 MS. FROMMER: Objection.
 3 A. No.
 4 **Q. Did you ever become aware that**
 5 **the case file for the prosecution of Anthony**
 6 **Manganiello had disappeared?**
 7 MS. FROMMER: Objection. He
 8 can answer to the extent he has
 9 independent personal knowledge of
 10 that.
 11 **Q. Aside from what your lawyer may**
 12 **have told you?**
 13 MS. FROMMER: Objection to that
 14 statement.
 15 You can answer.
 16 A. I have no knowledge of that
 17 case being missing.
 18 **Q. Based on your experience as a**
 19 **squad supervisor at the 43rd Precinct, was it**
 20 **unusual for a homicide case to disappear?**
 21 MS. FROMMER: Objection.
 22 A. It is unusual for any case to
 23 disappear.
 24 **Q. And why is that?**
 25 MS. FROMMER: Objection.

73

1 McGOVERN
 2 A. Cases shouldn't disappear, you
 3 know. That is why they have file cabinets.
 4 They are supposed to complete their casework.
 5 It gets filed. It is supposed to stay there.
 6 **Q. Do you know of any legitimate**
 7 **reason why case a case would not stay in the**
 8 **cabinet, a homicide case specifically?**
 9 MS. FROMMER: Objection.
 10 A. The district attorney asks for
 11 it for some reason and it gets sent out to
 12 them. Somebody may have asked to review it
 13 at a higher level in the police department.
 14 They get transferred there. Those are the
 15 only things that I can think of at this
 16 point.
 17 **Q. By the way, were there any**
 18 **procedures for maintaining memo book entries**
 19 **of the police officers at the 43rd Precinct**
 20 **in effect from February of 2001 through the**
 21 **time you were there?**
 22 DI MS. FROMMER: I am going to
 23 instruct him not to answer that.
 24 Since he was not in charge of police
 25 officers at the precinct. If you

19 (Pages 70 to 73)

74

1 McGOVERN
2 would like to rephrase that in terms
3 of only the officers that he
4 supervised, I will let him answer
5 that, but I am not going to let him
6 answer a question that is based on
7 information that he told you he does
8 not have. If you would like to
9 rephrase it, you can. If not, I am
10 going to instruct him not to answer
11 it.
12 **Q. Do you have any knowledge of**
13 **the procedures for the police officers at the**
14 **43rd Precinct and what they do with their**
15 **memo books?**
16 MS. FROMMER: Objection. You
17 can answer.
18 A. The police officers, no.
19 **Q. Was there any procedure for**
20 **what happened to a detective's memo book from**
21 **February 2001 through April 2001?**
22 MS. FROMMER: Objection.
23 **Q. At the 43rd Precinct?**
24 A. They would have to maintain a
25 memo book for details and stuff like that.

75

1 McGOVERN
2 **Q. And was there any period of**
3 **time for which they were supposed to maintain**
4 **those memo books?**
5 MS. FROMMER: Objection.
6 A. Well, when I say maintain it,
7 you know, maintain a memo book so in case
8 they had to go into detail or document their
9 events.
10 **Q. My question, sir, did the**
11 **detectives maintain their own memo books or**
12 **were they placed in files somewhere for**
13 **safekeeping in the 43rd Precinct?**
14 MS. FROMMER: Objection.
15 A. Well, you are responsible for
16 your own memo book. No one else is
17 responsible.
18 **Q. By the way, would you consider**
19 **it proper police procedure to consider**
20 **somebody a suspect because they requested to**
21 **speak with a lawyer?**
22 MS. FROMMER: Objection.
23 Again, I am going to say that you keep
24 misstating testimony given by the
25 plaintiff in this case, but you can

76

1 McGOVERN
2 answer.
3 A. You got to run that one by me
4 again. I'm sorry.
5 **Q. Okay, let me ask it generally.**
6 **Sir, is it ever proper police procedure to**
7 **consider someone a suspect because their**
8 **right to counsel has been invoked?**
9 MS. FROMMER: Objection.
10 Again, misstating facts not in
11 evidence by your own client.
12 A. No.
13 **Q. Do you know if Detective**
14 **Agostini ever considered Anthony Manganiello**
15 **a suspect because an attorney was called on**
16 **his behalf?**
17 MS. FROMMER: Objection. You
18 can answer.
19 A. I don't know that, sir.
20 **Q. Okay. Did Lieutenant Scott**
21 **ever discuss that with you?**
22 A. No, sir.
23 **Q. What would you have said or**
24 **done had you been made aware of that**
25 **information?**

77

1 McGOVERN
2 MS. FROMMER: Objection.
3 A. What would I have said or done
4 if the guy asked for counsel?
5 **Q. No. If the detective had**
6 **considered him a suspect because counsel was**
7 **asked for.**
8 A. That is, you know, I don't know
9 how to answer that. It is, you know,
10 certainly everyone is entitled to their
11 counsel. That doesn't make them a suspect.
12 Do you know what I am saying?
13 **Q. I do.**
14 A. So that is my answer.
15 **Q. Okay.**
16 A. Certainly if that was presented
17 with me -- everyone is entitled to their
18 counsel regardless of who you are. You know,
19 the facts of the case will speak for
20 themselves.
21 You know what I mean?
22 **Q. Yes.**
23 A. No one is denied their right to
24 counsel or, you know, when I was there, as
25 far as I know.

78

80

1 McGOVERN
2 Q. Okay. Was anyone ever
3 considered a suspect because their right to
4 counsel had been invoked?
5 A. No, sir.
6 MS. FROMMER: Objection.
7 A. No, sir.
8 Q. By the way, on February 12,
9 2001, did you speak with anybody from the
10 Mount Vernon Police Department?
11 A. Did I speak with anyone?
12 Q. Correct.
13 A. I don't recall speaking with
14 anyone there.
15 Q. Do you know if any detectives
16 or police officers from the 43rd Precinct
17 went to the Mount Vernon Police Department?
18 A. I don't recall.
19 Q. At any point, sir, between
20 February 12, 2001 and the date in April when
21 Anthony Manganiello was arrested, did you do
22 anything to stop his prosecution?
23 MS. FROMMER: Objection.
24 Again, there had been no prosecution.
25 Go ahead, you can answer.

1 McGOVERN
2 A. No, sir.
3 MR. JOSEPH: That's all I have.
4 MS. FROMMER: I need to speak
5 to you outside for a second.
6 THE WITNESS: Sure.
7 (Recess taken.)
8 EXAMINATION BY MR. FROMMER:
9 Q. Lieutenant McGovern, between
10 February 12, 2001 and the date in April when
11 you took Anthony Manganiello into custody,
12 did you speak with anyone at the district
13 attorney's office about Mr. Manganiello?
14 A. No.
15 Q. Did you ever encourage the
16 district attorney's office to decide that Mr.
17 Manganiello should be arrested or prosecuted?
18 A. No.
19 Q. Did you ever testify before the
20 grand jury in this case?
21 A. No, I did not.
22 Q. Did you give any information to
23 the district attorney's office at all about
24 Anthony Manganiello?
25 A. No.

79

1 McGOVERN
2 Q. Did you ever provide any false
3 information to anyone to give to the district
4 attorney's office?
5 A. No.
6 MS. FROMMER: I have nothing
7 further.
8 FURTHER EXAMINATION BY MR. JOSEPH:
9 Q. Between February 12, 2001 and
10 the date that you arrested Anthony
11 Manganiello in April of 2001, did you ever
12 review any of the evidence to determine
13 whether there was probable cause to arrest
14 Anthony Manganiello?
15 MS. FROMMER: Objection. You
16 can answer.
17 A. Sir, like I said, I reviewed
18 several hundred records during that period of
19 time and after. I don't have any independent
20 recollection of any specific details except
21 what I have discussed here earlier today.
22 Q. Okay. Between February 12,
23 2001 and April of 2001, when you arrested
24 Anthony Manganiello, did you take any steps
25 to verify the credibility of any evidence

1 McGOVERN
2 that was presented to the grand jury?
3 MS. FROMMER: Objection.
4 Q. Presented to the district
5 attorneys's office. I apologize.
6 MS. FROMMER: Objection.
7 A. No.
8 MR. JOSEPH: That's all I have.
9 MS. FROMMER: We are done.
(Time noted: 3:33 p.m.)

81